

*27ACW/JW***ORIGINAL***(31) pm
8/14/01*

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**FILED
HARRISBURG**

JOHN RICHARD JAE,

:

Plaintiff

:

No. 1: CV-00-2123

v.

:

(Judge Rambo)

**SUPERINTENDENT DRAGOVICH,
et al.**

:

(Magistrate Judge Smyser)

**MARY E. DIANDREA, CLERK
Per *SL* DEPUTY CLERK**

AUG 13 2001

**DEFENDANTS' MOTION FOR ENLARGEMENT
OF TIME TO FILE OPPOSING BRIEF**

Defendants respectfully request an enlargement of time to file a brief in opposition to plaintiff's petition for writ of mandamus. In support of this motion, defendants assert the following:

1. This is a civil rights action brought by a state prisoner, John Richard Jae, seeking damages for the conditions of his confinement while housed in the restricted housing unit at the State Correctional Institution at Camp Hill.
2. Plaintiff filed a complaint on December 7, 2000. He filed an amended complaint on February 1, 2001.
3. On July 11, 2001, the magistrate judge assigned to the case issued a report recommending that defendants' motion to dismiss should be granted. Plaintiff has not submitted objections to the report, although he has filed a motion

seeking additional time to file objections.

4. According to the docket report obtained through this court's web PACER, the plaintiff filed a petition for writ of mandamus and a supporting brief on July 27, 2001.

5. This office did not receive counsel's copy of the petition and brief until August 6, 2001. The received copy of the petition and brief did not contain a certificate of service, although the motion and brief are dated July 22, 2001. The postmark on the envelope which the motion and brief were sent is August 2, 2001. Accordingly, counsel is unable to determine when the motion and brief were served for purposes of determining the date any responsive brief would be due under Local Rule 7.6.

6. Counsel was on vacation during the week of August 5, 2001, and was first aware of the motion today, August 13, 2001.

7. Accordingly, counsel requests an enlargement of time until August 27, 2001, to file a brief opposing plaintiff's petition for writ of mandamus.

WHEREFORE, defendants request an enlargement of time to file a brief in opposition to plaintiff's petition for writ of mandamus until August 27, 2001.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Litigation Section

Office of Attorney General
15th Fl., Strawberry Square
Harrisburg, PA 17120
Direct: (717) 787-7369
Date: August 13, 2001

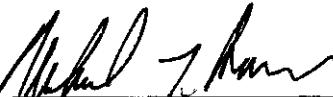
IN THE UNITED STATES DISTRICT COURT
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JOHN RICHARD JAE, :
: Plaintiff :
: : No. 1: CV-00-2123
v. : :
: : (Judge Rambo)
SUPERINTENDENT DRAGOVICH, :
et al. : : (Magistrate Judge Smyser)

CERTIFICATE OF SERVICE

AND NOW, this 13th day of August, 2001, I, MICHAEL L. HARVEY,
Senior Deputy Attorney General, counsel for defendants in the above-captioned
action, hereby certify that I this day served the foregoing Defendant's Motion for
Enlargement of Time to File Opposing Brief by causing a copy of the same to be
deposited in the United States mail, postage prepaid, at Harrisburg, Pennsylvania,
addressed to the following:

John Richard Jae, BQ-3219
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-2902



MICHAEL L. HARVEY
Senior Deputy Attorney General

DATE: August 13, 2001